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10 **Attorneys for Defendants County of Santa Cruz,
11 Santa Cruz County Sheriff's Office (erroneously
12 sued herein as the "Santa Cruz County Sheriff's Department")
13 and Santa Cruz County Human Services Department**

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15 UNITED STATES DISTRICT COURT
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17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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SACRAMENT COLLECTIVE
PENTECOSTAL CHURCH Inc.,
Plaintiff,
v.
COUNTY OF SANTA CRUZ,
COUNTY OF SANTA CRUZ, a
municipal corporation; SANTA
CLARA DEPARTMENT OF HUMAN
SERVICES, a County (Municipal)
Agency, SANTA CRUZ COUNTY
SHERIFF'S DEPARTMENT, a County
(Municipal) Agency, and DOES 1
through 50, inclusive
Defendants.

Case No. _____
(Santa Cruz County Superior Court Case No.
19CV01186)

**NOTICE OF REMOVAL OF CIVIL ACTION
TO FEDERAL COURT UNDER 28 U.S.C. §§
1441(a) and (c) (FEDERAL QUESTION)**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that defendants County of Santa Cruz, Santa Cruz County Sheriff's Office (erroneously sued herein as "Santa Cruz County Sheriff's Department"), and Santa Cruz County Human Services Department¹ (hereinafter "County Defendants") hereby remove to this

¹ Santa Clara Department of Human Services is listed in the caption of Plaintiff's complaint. However, in the body of the complaint, Santa Clara Department of Human Services is not mentioned. Instead, Santa Cruz Human Services Department is described as a Defendant.

1 Court the state court action described below pursuant to 28 United States Code sections 1331, 1441,
2 and 1446.

3 **STATEMENT OF GROUNDS FOR REMOVAL**

4 1. On April 22, 2019, Plaintiff served County Defendants with a copy of a summons and
5 complaint in the above-titled action in the Superior Court of Santa Cruz County, California. (See
6 Exhibit A, summons and complaint, attached hereto.) Pursuant to 28 U.S.C. section 1446, this
7 notice is filed with this Court within 30 days after County Defendants received a copy of the initial
8 pleadings setting forth a federal claim for relief.

9 2. This action is a civil action of which this Court has original jurisdiction under 28
10 U.S.C. section 1331, and is one which may be removed to this Court by County Defendants pursuant
11 to the provisions of 28 U.S.C. section 1441(a) and (c) in that it contains a cause of action for alleged
12 "violation of constitutional rights" under 42. U.S.C. section 1983, as well as violations 42 U.S.C.
13 section 2000 et seq. (RLUIPA). The complaint also contains miscellaneous related state law claims
14 including declaratory relief and injunctive relief.

15 3. To County Defendants' knowledge, no proceedings other than case management
16 conferences have been scheduled in this case in the Santa Cruz County Superior Court.

17 WHEREFORE, County Defendants pray that this action be removed to this Court, that this
18 Court accept jurisdiction of this action, and that this action be placed on the docket of this Court for
19 further proceedings as though this action had originally been instituted in this Court.

21 Dated: May 20, 2019

DANA McRAE, COUNTY COUNSEL

23 By: _____ /S/
24

AERIN MURPHY

Assistant County Counsel

25 **Attorneys for Defendants County of Santa
26 Cruz, Santa Cruz County Sheriff's Office,
27 and Santa Cruz County Human Services
28 Department**

PROOF OF SERVICE

I, the undersigned, state that I am a citizen of the United States and employed in the County of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action. My business address is 701 Ocean Street, Room 505, Santa Cruz, California 95060. On the date set out below, I served a true copy of the following on the person(s)/entity(ies) listed below:

**NOTICE OF REMOVAL OF CIVIL ACTION TO FEDERAL COURT
UNDER 28 U.S.C. §§ 1441(a) and (c) (FEDERAL QUESTION)**

- by **service by mail** by placing said copy enclosed in a sealed envelope and depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
- by **service by mail** by placing said copy enclosed in a sealed envelope and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.
- by **personal service** at a.m./p.m. at _____.
- by **express or overnight mail** by depositing a copy in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of express mail or a mailbox, mail chute, or other like facility regularly maintained by an overnight mail company, in a sealed envelope, with express mail postage paid addressed to the below listed person(s).
- by **express or overnight mail** by arranging for pick-up by an employee of an express/overnight mail company on:
- by **facsimile service** at the number listed below and have confirmation that it was received by:

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| <p>Matthew Pappas Grenville Pridham 648 N Tustin Ave., Suite D Orange, CA 92867 <i>(Attorneys for Plaintiff Sacramento Collective Pentecostal Church)</i></p> | <p>Santa Clara County Counsel 70 West Hedding Street, East Wing, 9th Floor San Jose, CA 95110-1770 <i>(Attorneys for Defendant Santa Clara Dept. of Human Services)</i></p> |
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed May 20, 2019 at Santa Cruz, California.

/S/
LINDA A. WILLIAMS